



November 8, 1999

Mr. Brendan Hall  
Attorney at Law  
P.O. Box 2725  
Harlingen, Texas 78550

OR99-3150

Dear Mr. Hall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128762 and ID# 128856.

The Harlingen Police Department (the "department"), which you represent, received a request for the offense and supplemental reports pertaining to a hanging death that occurred in 1996. The requestor also seeks copies of statements taken in connection with the department's investigation of the death. You claim that the requested records, a representative sample of which you submitted to this office, are excepted from disclosure pursuant to, *inter alia*, section 552.108(a)(2) of the Government Code.

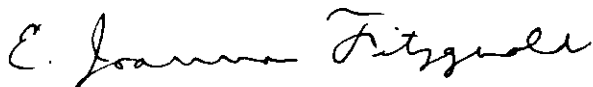
Section 552.108(a)(2) of the Government Code excepts from required public disclosure "information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that *did not result* in conviction or deferred adjudication." (Emphasis added.) This exception applies to records pertaining to criminal investigations and prosecutions that have concluded and did not result in a conviction or deferred adjudication. Although you indicate that the department's investigation of the death could re-open should the department receive additional information indicating that a crime has been committed, you state that at the present time the department has concluded that all allegations of criminal wrongdoing are unfounded. We conclude, therefore, that section 552.108(a)(2) is applicable to the requested records.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The department must release the "basic information" about the hanging death in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

All remaining information in the records at issue may be withheld pursuant to section 552.108(a)(2) of the Government Code.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



E. Joanna Fitzgerald  
Assistant Attorney General  
Open Records Division

EJF/RWP/nc

Ref: ID# 128856  
ID# 128762

Encl. Submitted documents

cc: Ms. Mary Moreno  
Valley Morning Star  
P.O. Box 511  
Harlingen, Texas 78551  
(w/o enclosures)

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<sup>1</sup>Because we resolve your request under section 552.108(a)(2), we do not address the applicability of the other exceptions you raise, except to note that "basic information" may not be withheld from the public pursuant to section 552.103 of the Government Code. Open Records Decision No. 597 (1991). In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.